



## **SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE**

### **Minutes for**

### **COMMISSION MEETING**

10:30 a.m., May 17, 2019

**Location:** Conference Room, SC Commission on Indigent Defense, 1330 Lady Street, Columbia, SC

**Members Present:**   **In Person:** Harry Dest (Chair), Billy Epps, Jack Howle, Jr., Michael Lifsey, John Nichols, Ashlin Potterfield, Walker Willcox

**Via Telephone:** Sen. Gerald Malloy, Ashley Pennington, Hon. Daniel Pieper

**Members Absent:**   Hon. Thomas Cooper, Yvonne Murray-Boyles, Rep. Jay Jordan, Jr.

**Staff Present:** Hugh Ryan, Herverly Young, Lawrence Brown, Rodney Grizzle, Lanelle DuRant, Susan Hackett

There being a quorum, the Chair called the meeting to order.

**Introduction of New Commissioners:** Mr. Ryan informed the Commission that Judge Cottingham resigned his membership from the Commission due to health reasons and requested that the Chief Justice appoint a replacement. Chief Justice Beatty has appointed retired circuit judge Thomas W. Cooper of Manning to the Commission. Mr. Ryan also informed the Commission that Rep. Wallace (Jay) Jordan, Jr. has been appointed to the seat formerly held by Rep. Murrell Smith. Neither Judge Cooper nor Rep. Jordan were able to be present for this meeting.

Mr. Ryan introduced Appellate Defender Lanelle DuRant to the Commission. Ms. DuRant will be retiring in June. Ms. DuRant expressed her appreciation for her opportunity to make a difference in the legal system, and the Commission thanked Ms. DuRant for her many years of service.

Mr. Ryan then introduced Appellate Defender Susan Hackett to the Commission and explained her role in efforts to amend Rule 3.8 of the Rules of Professional Conduct dealing with prosecutors' obligations to disclose evidence favorable to defendants and to correct wrongful convictions of which they become aware. Ms. Hackett explained the amendment and the procedure for enacting changes to the rules. The Commission thanked Ms. Hackett for her efforts in effecting this change.

**Approval of Minutes:** A motion was made to approve the minutes of the March 1, 2019 quarterly meeting. That motion was seconded and passed by unanimous vote.

**Oversight Committee Update:**

**Indigent Screening:** Mr. Young explained that the workgroup has finalized proposed screening procedures, which were then sent to Court Administration, the Judges' Advisory Panel, and the Clerks of Court to review. Receiving no negative comments, efforts will now proceed to format and have the proposals enacted as regulations providing better enforcement ability.

**Circuit Defender Evaluations:** Sample draft evaluation forms were distributed to the members. Mr. Ryan and Mr. Young explained that those forms were merely to provide a starting place for discussion on how best to evaluate Circuit Public Defender performance. The members of the Commission then discussed options as to content and format of the evaluations, which may be used by staff to refine proposals for the evaluation process and forms.

**FY 19-20 Budget Update:** Mr. Ryan reviewed the status of proposed salary increases for Judges to which the Circuit Public Defender salaries are tied as well as proposed increases for other State employees. Senator Malloy provided an overview of the legislative process and current status of the various proposals.

**Probate Commitment Voucher Payment Processing Update:** Mr. Young provided an update on the processing procedures being put into place to process Probate Commitment vouchers with a target start date of July 1, 2019 when the Proviso authorizing the procedures becomes effective.

**Legislative Update:** Mr. Ryan and Sen. Malloy discussed proposed legislation to reform the asset forfeiture process.

**Training Update:** Mr. Brown provided information on the success of the Juvenile Defense and Public Defense 102 workshops held in April and May. He also outlined that Public Defense 103 workshop planned for July. Mr. Brown and Mr. Young discussed the training sessions scheduled for new 608 contract attorneys and Family Court 608 contract attorneys scheduled for May 31 and June 14.

**Juvenile Defender Advocate Grant:** Mr. Ryan and Mr. Grizzle provided an overview of the Juvenile Advocate grant applied for by the agency including funding, terms, and objectives.

**Circuit Public Defender Meetings:** Mr. Young discussed the quarterly circuit public defender meetings being held to cover topics of interest to the circuit public defenders and to provide training information of use to them.

**Saluda County Funding:** Mr. Ryan discussed communications that have taken place since the Commission's March 1, 2019 meeting and options moving forward to address Saluda County's reduction in funding of the public defender's office below previous-year levels in contravention of state statute.

**Rule 608 Contracts:** Mr. Young provided an overview of the 608-Contract program including statistics to date for the current year and the status of contracts for FY19-20.

There being no further business, a motion to adjourn was made, seconded and passed, and the meeting adjourned at 12:06 p.m.

Respectfully submitted,

Lawrence Brown  
Deputy General Counsel